UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RICHARD STAPLEMAN,
 	
                Plaintiff,
 	
        v.
 	
QUALITY INTEGRATED SERVICES INC.,
 	
                Defendant.
	No. **2:16-CV-0024-SMJ**
	
	ORDER GRANTING STIPULATION FOR CONDITIONAL CERTIFICATION AND COURT-APPROVED NOTICE PURSUANT TO 29 U.S.C. §216(b)

On June 24, 2016, the parties' filed a Stipulation and Proposed Order for

Conditional Certification and Court-Approved Notice Pursuant to 29 U.S.C. § 216

(b), ECF No. 28. Consistent with the parties' agreement,

IT IS HEREBY ORDERED:

1.   The parties' Stipulation and Proposed Order for Conditional

Certification and Court-Approved Notice Pursuant to 29 U.S.C.,

ECF No. 28, is **GRANTED.**

2.   The following class is conditionally certified pursuant to 29 U.S.C. §

216(b): All current or former employees of QIS who performed

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work in Inspector Positions[1] on the Northwest Pipeline Project and whose wages were calculated on a daily basis at any time between [the present and three years prior to the date that the Court issues an Order granting Conditional Certification] (the "FLSA Class").

3. By agreeing to this stipulation, Defendant does not waive its right to argue, upon at or near the end of fact discovery, or such other time as set by the Court, that the FLSA Class should be decertified.

4. The proposed Notice and Opt-In Consent Form attached as Exhibit A and B to the parties' stipulation are approved.

5. The following notice program is approved:

a. Within ten (10) business days from the date of the Court's Order conditionally certifying the FLSA Class and approving Exhibits A and B. Defendant shall deliver to Plaintiff's counsel an electronic spreadsheet of the names, last known mailing address, last known telephone numbers, last known email address, and dates of employment, and last four digits of Social Security Numbers of all putative FLSA Class members (all of which may be produced subject to an agreed protective order maintaining the confidentiality of this information).

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[1] "Inspector Positions" include the following positions: Utility Inspector, Senior Utility Inspector, Craft Inspector, and Senior Craft Inspector. "Inspector Positions" does not include any chief or assistant chief inspectors.

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b. Within five (5) business days of receiving this information, Plaintiff's counsel shall cause to be mailed and emailed, at their expense, the approved Notice and Opt-In Consent Form to the putative FLSA Class Members and shall include a self-addressed, stamp envelope. Plaintiffs may employ a third-party administrator for this task. If so, Plaintiff will provide the name of the third-party administrator to the Defendant. Prior to sending the Notice, Plaintiff's counsel or the third-party administrator shall run the list of putative FLSA Class Members through the U.S. Postal Service's National Change of Address database ("NCOA"), and will perform address searches using public and proprietary electronic resources which collect data from various sources such as utility records, property tax records, motor vehicle registration records (where allowed) and credit bureaus. Plaintiff and/or the Notice Administrator may undertake reasonable efforts to attempt to locate putative members of the FLSA Class for whom notices are returned as undeliverable.

c. Any potential member of the FLSA Class shall have sixty (60) days from the date of mailing of the Notice and Opt-In Consent

1 Form to return a copy of the Opt-In Consent Form to Plaintiff's

2 counsel (or the third-party notice administrator ("Notice

3 Administrator")) for filing ("Notice Period"). Putative FLSA

4 Class Members may submit their Opt-In Consent Forms via

5 regular mail, electronic mail, or facsimile, and they may

6 execute and submit their Opt-In Consent Forms online through

7 an electronic signature service that will be established by

8 Plaintiff's counsel or the Notice Administrator. The electronic

9 signature service shall be mutually agreed upon by Plaintiff's

10 counsel and Defendant's counsel. To sign the electronic

11 consent form, a potential class member shall be required to

12 provide his or her email address to receive a unique access code

13 to access the consent form. The entire notice shall be provided

14 to each potential class member when the individual logs in to

15 consent. If a potential class member does not follow the correct

16 electronic opt-in procedures, that individual shall not be

17 deemed to have completed an opt-in consent form, unless a

18 timely correction is made. Plaintiff's counsel or the Notice

19 Administrator shall remove access to all electronic consent

20 forms the day after the opt-in period closes, and close any

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website associated with electronically opting-in to the class. Plaintiff nor the Notice Administrator shall post the Notice or Opt-in Consent Form on any public web page, including any "landing" page on Plaintiff's counsel's firm website or the Notice Administrator's website. Plaintiff's counsel shall retain or require the Notice Administrator to retain all metadata associated with the electronic signature service and shall produce the metadata on any opt-in plaintiff to Defendant upon request.

d. Opt-In Consent Forms will be deemed to be filed on the day they are stamped as received by either Plaintiff's counsel or the Notice Administrator and documentation of the receipt date shall be provided to Defendant upon request. All Opt-In Consent Forms that are received by mail must be postmarked, emailed or electronically signed within 60 days from the date of mailing. Any consent form emailed to Plaintiff's counsel by a class member must contain the class member's signature on the consent form and be transmitted to Plaintiff's counsel in pdf format or otherwise submitted on the electronic signature service described above; a return email from a potential class

1   member without a signed consent form is not sufficient for the

2   individual to opt-in to the lawsuit. If Plaintiff's counsel elects

3   to use a third-party administrator, the third party administrator

4   will send ".pdf" copies of all returned Opt-In Consent Forms to

5   Plaintiff's counsel, who will file them electronically on the

6   docket on a weekly basis. Opt-In Consent forms must be filed

7   with the Court within five business days after close of the 60-

8   day opt-in consent period for a putative FLSA Class member to

9   be considered timely for purpose of individuals joining this

10   collective action. Plaintiff shall meet and confer with

11   Defendant prior to filing any Opt-in Consent Forms that are

12   postmarked in excess of five (5) business days after the close of

13   the 60-day opt-in consent period.

14   e.   All costs associated with the mailing of notices and opt-in

15   consent process shall be borne by Plaintiff's counsel.

16   f.   If the Notice Administrator or Plaintiff's Counsel receives an

17   Opt-In Consent Form from an individual who has not been

18   previously identified on the list provided by Defendant pursuant

19   to paragraph 6(a), Plaintiff's Counsel shall notify Defendant's

20   counsel of the identity of the individual, and Defendant shall

provide employment history information for that individual within 5 business days. If the parties cannot agree on whether the individual should properly be a member of the collective as defined in paragraph 2, above, Plaintiff's Counsel shall file the Opt-In Consent Form with an attached notice documenting the disagreement.

6. To conserve resources during the Notice Period, the parties agreed that the case shall be stayed, including all issues related to the Washington State law claims, from the date of this order until November 30, 2016. The parties agree to meet and confer to determine any additional informal discovery they believe is necessary to facilitate discussions regarding settlement.

7. Within 30 days after the close of the opt-in consent period, the parties shall file a joint report apprising the Court as to the status of any settlement discussions and/or the need for additional status conference.

8. This matter is **STAYED** until **November 30, 2016**.

9. The Clerk's office is directed to **terminate all hearings**.

10. Parties may renew or note its motions for hearing as soon as the stay expires.

1   **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order

2   and provide copies to all counsel.

3   **DATED** this 15th day of July 2016.

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5   SALVADOR MENDOZA, JR.
     United States District Judge

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